HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 930 of 2006 (MS)

1. Kendra Sing Chauhan S/o Sri Gariya Singh Chauhan R/o Village Panjiyala P.O. Baun, District Uttarkashi
2. Uttam Singh Gusain S/o Sri Keshar Singh Gusain Village Kankrari P.O. Mustiksaur, District Uttarkashi
3. Ramesh Chandra Bhatt S/o Sri Nami Ram Bhatt Village Mishra Gaon, P.O. Bhatwari Dhanari, District Uttarkashi
4. Dalveer Singh S/o Sri Hira Singh Village Kankrari, Mustiksaur, District Uttarkashi
5. Soban Singh R/o Sri Jaipal Singh Village Aleth, P.O. Manpur, District Uttarkashi
6. Smt. Kriti Rawat S/o Sri Mahaveer Siongh Rawat Village Malla P.O. Dunda, District Uttarkashi
7. Raghuvir Singh Gosain S/o Sri Hukam Singh Gusain Village Dunda, P.O. Dunda, District Uttarkashi
8. Veer Singh Panwar S/o Sri Chndra Singh Panwar Village Puroli, P.O. Mustiksaur District Uttarkashi
9. Atol Singh S/o Sri Jeet Singh Village Anol/Gamri P.O. Manpur District Uttarkashi
10. Shyam Singh S/o Sri Pyar Singh R/o Village Aleth P.O. Manpur District Uttarkashi
11. Purnanand Bhatt S/o Sri Sureshanand Bhatt Village Matti P.O. Udri District Uttarkashi
12. Mukesh Semwal S/o Sri Shivanand Semwal village Barahat, District Uttarkashi
13. Vimal Chamoli S/o Sri Vidya Dutt Chamoli Village and P.O. Joshiyara, District Uttarkashi
14. Km. Nirmala Nautiyal D/o Sri Harshmani Nautiyal R/o Gawana P.O. Pujargaon, District Uttarkashi

..... Petitioners

Versus

1. State of Uttaranchal through secretary Education (Basic) Civil Secretariat, Dehradun
2. Director, School Education, Govt. of Uttaranchal

3. Additional Director, State Council of Education, Research and Training Uttaranchal, Tehri Garhwal
4. District Basic Education Officer, District Uttarkashi
5. Principal, Zila Siksha Avam Prashikshan Sansthan Barkot, District Uttarkashi. ..... Respondents

Sri S.N. Babulkar, Sr. Advocate assisted by Sri Tumul Nainwal for the petitioners.
Standing Counsel for the respondents.

Dated: 19.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the advertisement dated 9.7.2006 as well as for a writ of mandamus directing the respondents to admit the petitioners in special B.T.C. giving them age relaxation.

Briefly stated according to the petitioners 26 persons have filed a writ petition No. 1403 of 2004 (SS) and obtained orders for admission in their favour and accordingly they have been given admission in Session 2005-06 but when the petitioners approached the respondents vide representation dated 6.6.2006 for admission in Special B.T.C. they were assured that they will be given admission in the next session but instead of doing so the respondents have issued an advertisement on 9.7.2006. The petitioners have submitted that they were parties in Writ Petition No. 5576 of 2001 (SS) in which on 5.12.2003 writ petition was decided in terms of interim order and the following order was passed:

"*The version of the petitioners is that they have applied ro selection on the post of Assistant teachers and they were selected but they are not being given appointments. In case, petitioners have been selected, they shall be considered for*

appointments in respect of any future vacancy and appointments made in pursuance of the impugned advertisement shall be subject to the decision of the writ petition.

In terms of the interim order dated 14.10.973 as stated aforesaid, the writ petition is disposed of at the admission stage.

However, the petitioner will be considered in respect of any future vacancy arises in pursuance of the order dated 14.10.97."

Admittedly, the petitioners were parties in writ petition No. 5576(SS) of 2001 but they were not being considered for the future vacancies.

In view of above, the respondents are directed to consider the claim of the petitioners in accordance with law subject to the restriction imposed by N.C.T.E. within one month after obtaining the certified copy of this order.

Accordingly, writ petition is allowed. No order as to costs.

Dated: 19.7.2006 **Rajesh Tandon, J.**

*Dhyani